

Chapter 39

WATER*

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ARTICLE I. IN GENERAL

Sec. 39-1. Enforcement of chapter.

Officers and employees of the department of public works are especially charged with the enforcement of the provisions of this chapter, and for that purpose, are clothed with all the powers and functions of policemen. It shall be their duty to bring to the notice of the judge of the general district court every breach of this chapter. (Code 1959, § 32-13)

Sec. 39-2. Water and sewage disposal systems.

The construction, operation and maintenance of the water system and sewage disposal system of the city shall be under the direction and control of the utility division of the department of public works. (Code 1959, § 32-1)

Sec. 39-3. Supervision of utility division.

The utility division of the department of public works shall be under the direct control of the director of public works. The director of public works shall be the executive officer thereof, and as such shall be responsible for the construction, operation and maintenance of said systems. (Code 1959, § 22-2)

Sec. 39-4. Appointment and term of assistants.

The director of public works shall recommend to the city manager for appointment by the city manager, such employees as are necessary for the efficient operation of the utility division, whose respective terms of office shall be at the pleasure of the city manager. (Code 1959, § 32-3)

Sec. 39-5. Prohibited locations for private hydrants.

No private hydrant shall be placed on any sidewalk or on any street or other exposed position where water may be taken therefrom without detection. (Code 1959, § 32-5)

Sec. 39-6. Inspector's right of entry.

Every person occupying any lot or building into which water is introduced under this chapter shall permit any officer or employee of the department of public works, and also the inspector of plumbing, to enter such

***Charter reference**—Authority in relation to water generally, § 38(6).

Cross references—Department of public works, § 2-225 et seq.; building, Ch. 11; erosion and sediment control, Ch. 16; housing and hygiene, Ch. 22; nuisances, Ch. 26; planning, Ch. 30; sewers, Ch. 34.

State law reference—Water supply systems generally, Code of Virginia, § 15.1-1239 et seq.

lot or building, at reasonable hours, to inspect the works therein or to see if the provisions of law have been complied with. (Code 1959, § 32-7)

Sec. 39-7. Maintenance generally.

When the occupant of a lot or premises on which fixtures to supply water have been installed shall permit the water to run from these fixtures without proper care to prevent waste or shall fail to keep his water pipes or fixtures in good repair and protected from freezing, there shall, in each case, be a fine on such occupant of not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) and, in either case, the utilities division shall stop the water from the lot or premises and not turn it on again until arrangements satisfactory to the department of public works are made to ensure against future waste or damage. In cases where there are two (2) or more premises supplied by a single tap and the fixtures are accessible to all, a like penalty shall apply to each of the several occupants having access to the fixtures, unless one of the occupants assumes sole responsibility. (Code 1959, § 32-8)

Sec. 39-8. Defacing property, swimming in reservoirs, etc.

It shall be unlawful and a class 2 misdemeanor for any person to deface or injure any property of the department of public works or to bathe in the reservoirs, basin or canal thereof, or to deposit matter of any character in such reservoirs, basin or canal or, without lawful authority, to enter the premises of the department of public works or place any obstruction upon any structure or fixture thereof, or obstruct access thereto, or remove or injure any such fixture, or to tamper with any such fixture. (Code 1959, § 32-9)

State law reference—Authority to prevent injury to waterworks, Code of Virginia, § 15.1-292.

Sec. 39-9. Unauthorized use of city water.

It shall be unlawful and a class 3 misdemeanor for any person to use city water without proper authority. (Code 1959, § 32-11)

Sec. 39-10. Allowing use by those not entitled thereto.

(a) Any occupant of premises, into which water has been introduced, who shall permit water to be used, taken or received by any person other than such occupant or members or visitors of his family, except as otherwise provided by this chapter, shall be deemed guilty of a class 3 misdemeanor; provided, that this shall not be construed so as to prevent any person who has contracted for water on his premises and whose fixtures are out of order from obtaining water from some other person, with the consent of the person from whom the water is obtained.

(b) In case of the violation of the provisions of this section the department of public works may discontinue the service of water to the premises of the person permitting such use of water from his premises and such water service shall be restored only upon proper application by the person occupying such premises, in the manner provided by this chapter for application to use water on new premises. (Code 1959, § 32-10)

Sec. 39-11. Information as to waste of water.

It shall be the duty of the police and every employee of the city to give prompt and immediate information of any waste of water to the department of public works. (Code 1959, § 32-12)

Sec. 39-12. Opening or using fire hydrants.

It shall be unlawful and a class 2 misdemeanor for any person, except a member of the fire division or an employee of the department of public works, to open or in any way use the high-pressure fire hydrant, which are painted lime green with a one (1) inch wide black band at the base. It shall be unlawful for any person, except a member of the fire division or an employee of the department of public works, to open or in any manner use any other fire hydrants of the city without the authority of the director of the department

of public works. Unauthorized use of a hydrant will result in a two hundred dollar (\$200.00) fee to the owner, developer, contractor, or individual. The billings and collections division-utility billing customer service office of the department of financial services or the utilities division of the department of public works will issue a miscellaneous invoice to the customer for the fee. (Code 1959, § 32-14; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88; Ord. No. O-03-111, 6-10-03)

Sec. 39-13. Obstructing access to fire hydrants, meters.

It shall be unlawful and a class 3 misdemeanor for any person to place or cause to be placed around or near any of the fire hydrants or water meters of the city any goods or foliage or other thing in such a manner as to obstruct the free access to such hydrants or water meters. The occupant of any real estate for which a water meter has been installed and access is obstructed will be charged a fee of thirty dollars (\$30.00) for each subsequent visit to the property to gain access to the water meter. (Code 1959, § 32-15; Ord. No. O-03-111, 6-10-03)

Sec. 39-14. Repealed by Ord. No. O-03-112, 6-10-03, eff. 7-1-03.

Sec. 39-15. Repealed by Ord. No. O-03-112, 6-10-03, eff. 7-1-03. .

Sec. 39-16. Responsibilities for maintenance of water services.

The city shall supply and maintain water in sufficient quantities and pressures as are necessary for the efficient operation of the city's water system. The owner of any property served by the city's water system shall be responsible for installing and maintaining any devices necessary for sustaining pressures meeting the owners' requirements. The city shall install and maintain all water services from the connection to the city main to and including the water meter and box. The owner shall be responsible for maintaining the service line from the water meter to his property in good working condition and shall be responsible for any contamination entering the service beyond the meter. (Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-17. Required connection with city's water supply system.

Pursuant to the authority granted to the city by Section 15.2-2143 of the Code of Virginia the city does hereby adopt the following section requiring the connection of properties to the city's water supply system.

(a) Effective October 15, 2003, the owner or tenant of any piece of property located within the city and bordering upon a street or alley along which a public water line has been laid, and whose property is in need of water service shall connect their property to the public water line. It shall be unlawful for the owner or tenant to use private wells or any other alternative water supply facilities when city water lines are available for connection. It shall also be unlawful for any owner or tenant whose property is connected to the city's water lines to disconnect the property from the city's water lines and connect the property to a private well or other alternative water supply facility.

(b) Effective October 15, 2003, the owner or tenant of any piece of property located within the city and bordering upon a street or alley along which a public water line has been laid, and whose property is connected to a private well or other alternative water supply facility, shall connect their property to the public water line when the well or other alternative water supply facility dries up or otherwise becomes unusable.

(c) The owner or tenant of any property which is required to be connected to the city's water system shall see that water from the city's system is connected to the property and not cut off from the city's water system at any time, except for necessary repairs, while such property is being occupied or used. The owner or tenant of the property shall cause the water bill for the use of water to be paid to the city when due. No person shall occupy or use any property which is required to be connected to the city's water system, if the property is not connected to, or is cut off from, the city's water system, except when necessary for repairs.

(d) Property owners and tenants may continue to use private wells or other alternative water supply facilities for irrigation, agricultural and landscaping purposes.

(e) Any person, firm, partnership, corporation or other legal entity that violates any of the provisions of this section shall be guilty of a class 1 misdemeanor. Each day such violation continues shall constitute a separate offense. (Ord. No. O-03-171, 10-14-03)

Secs. 39-18—39-25. Reserved.

ARTICLE II. CONNECTIONS WITH CITY WATER MAINS

DIVISION 1. GENERALLY

Sec. 39-26. Extension of mains—When authorized.

The city will grant the right to use water from its distribution system and will extend water mains where in the opinion of council it is practical and economically feasible under the following methods:

(a) Water mains installed by the city in the preservation of the health and general welfare of the citizenry for reasons of public necessity,

(b) Water mains installed in response to citizen request when evidenced by petition,

(c) Water mains installed in conjunction with industrial development and/or residential subdivision development. (Ord. of 10-27-75, § 32-16.1; Ord. of 6-15-77)

Sec. 39-27. General terms, conditions and provisions applicable to water mains extended or installed with city approval.

(a) Title to any water main extensions or service connections within the public right-of-way or requested easements shall vest in the city upon the completion of construction regardless of method of financing.

(b) Where public water systems are already installed, replacement or enlargement of the water pipes, when deemed necessary by the city, shall be made at the sole cost and expense of the city.

(c) Whenever any person owning property along the line of any water main in the city which has been extended, installed or purchased by the city in the preservation of the health and general welfare of the public, or by petition, but without the participation of him or a previous owner of this property, shall desire the water service from said main to his premises, he shall be required to do the following:

(1) Fulfill the criteria as outlined under subsection (g) hereof, involving water main connections

(2) Make an additional payment of an availability charge, the purpose of which is to defray in part the cost of providing transmission mains, booster pumping and distribution storage facilities. The availability charges are as follows:

a. Single-family residence:

1. Where fifty (50) to fifty-nine (59) per cent of the potential customers of the project as determined by the city engineer sign petitions requesting such project, the charge shall be one thousand two hundred twenty dollars (\$1,220.00) per connection, for each such petitioner.

2. Where sixty (60) to sixty-nine (69) per cent of said customers sign such petitions, the charge shall be one thousand one hundred sixty dollars (\$1,160.00) per connection, for each such petitioner.

3. Where seventy (70) to seventy-nine (79) per cent of said customers sign such petitions, the charge shall be one thousand one hundred dollars (\$1,100.00) per connection, for each such petitioner.

4. Where eighty (80) to eighty-nine (89) per cent of said customers sign such petitions, the charge shall be one thousand forty dollars (\$1,040.00) per connection, for each such petitioner.

5. Where ninety (90) to ninety-four (94) per cent of said customers sign such petitions, the charge shall be nine hundred eighty dollars (\$980.00) per connection, for each such petitioner.

6. Where ninety-five (95) to one hundred (100) per cent of said customers sign such petitions, the charge shall be nine hundred twenty dollars (\$920.00) per connection, for each such petitioner.

b. Multifamily structures and mobile home parks where a master meter is used:

1. For the first five (5) units, six hundred ten dollars (\$610.00) each.

2. For the second five (5) units, four hundred sixty dollars (\$460.00) each.

3. For all additional units, three hundred ten dollars (\$310) each, subject to a maximum charge of eleven thousand five hundred fifty dollars (\$11,550.00) under this subsection b.

4. Separate individual connections to each unit of a multifamily structure or mobile home park will require the same availability charge for each unit as a single-family residential unit. Separate connections serving more than one (1) unit will require the availability charge as specified above in Section 39-27(c)(2)b.

c. Commercial service: Up to two thousand (2,000) square feet of floor space or if a meter one (1) inch in diameter or smaller is used, the charge shall be one thousand two hundred twenty dollars (\$1,220.00). If a meter in excess of one (1) inch in diameter is required, the following charges shall apply:

Availability charge	Floor space
\$1,220.00	0 to 2,000 square feet
\$1,530.00	2,001 to 10,000 square feet
\$2,290.00	10,001 to 20,000 square feet
\$3,820.00	20,001 to 35,000 square feet
\$6,110.00	35,001 to 99,999 square feet
As determined by city council	100,000 square feet or greater

All availability charges for institutional service shall be as determined by city council on a case-by-case basis.

d. Just prior to the conclusion of each fiscal year, the city manager or his designee shall review all availability charges and connection fees, and recommend to council appropriate changes.

e. All extension agreements and service requests not included in original petitions shall be subject to the maximum prevailing availability charges and connection fees which are in effect at the time such agreement or request is approved by council, irrespective of the number of original petitioners.

(d) Whenever any property abutting a street is without a city water main, the owner desiring city water service shall be required to sign a petition for extension of water mains.

(1) Single-family and multifamily structures and mobile home parks:

a. Upon receipt of said petition signed by at least fifty (50) per cent of the owners representing properties to be served by the water main extension, the city shall prepare an estimate for the installation of a water main.

b. Such estimate shall be prepared on the basis that the location, character and size of the extension and the plans and specifications for the extension and the materials used in the installation, replacement, maintenance and repair of the extension shall be as specified by the city.

(2) Commercial service:

a. Where the council has determined the petitioned project to be economically feasible to the city, the availability charges set forth in Section 39-27(c)(2)c. shall be applicable.

b. Where the council has determined that the petitioned project is not economically feasible to the city the cost of the project will be apportioned by council between the city and the benefitted property owners. The entire noncity portion shall be apportioned by council between the petitioning property owners as their availability charges. Any nonsigning property owner later petitioning for service shall pay the same proportioned share for each connection as the original signers.

(e) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city sewer lines at the time it was constructed, may make arrangements to pay the availability charges in paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

(1) Only an owner or occupant that actually connects their dwelling to the city's sewer system is eligible to enter into a water and sewer service availability fee installment agreement.

(2) The availability and connection charges and interest must be paid in full within one year.

(3) Interest at the rate of five (5) percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.

(4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.

(5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.

(6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.

(7) If the owners or occupants fail to make payments in accordance with the water and sewer service availability fee installment agreement, the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.

(8) As provided in Section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the sewer line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupants of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings or to commercial and institutional facilities.

(f) Water main extensions involving industrial development, residential subdivision development of three (3) or more dwelling units per lot, and/or any other planned unit or special development are excepted from this section.

(g) In addition to the previous applicable requirements, whenever any person owning property along the line of any water main in the city shall desire water service into his premises, he shall execute an agreement known as an "application for water." In addition thereto, the licensed plumber employed by him shall make written application therefor to the city on forms prescribed for that purpose.

Unless the service pipe and meter box have been previously installed, the plumber or building contractor shall clearly indicate at the premises by a stake or otherwise the exact location of the proposed meter and service. An applicant for any new service must make an estimate of the size connection needed for all meters greater than five-eighths (5/8ths) inch with a three-fourths (3/4ths) inch service for the particular building in order that the proper size service pipe and meter may be installed to satisfy the demand. Upon approval of the application and payment of certain fixed water connection fees must be made as follows:

(1) 3/4-inch service—5/8-inch meter	\$550.00
(2) 1-inch service—5/8-inch meter	561.00
(3) 1-inch service—1-inch meter	682.00
(4) Larger than 1-inch service and 1-inch meter - cost plus fifteen percent (15%); minimum charge (\$682.00);	

The city will then install a service pipe leading from the main in the street to the water meter box near the property line and/or install the meter. This requirement also applies to houses formerly occupied by one (1) family, but which are converted into two (2) or more apartments, with a separate water service and meter for each apartment unit. When these requirements are complied with, the city will thereupon issue a permit for the plumber named in the application to make connection with the meter box. All such connections and all plumbing work incident to the introduction of water into the premises shall conform in all respects to the provisions of the plumbing code of the city.

(h) Residential subdivisions of no more than two (2) dwelling units per lot: For all subdivisions located within the city containing no more than two (2) dwelling units per lot, in addition to the construction of the system within the boundaries of the subdivision by the subdivider pursuant to Section 24.1-31(a) of the city's subdivision ordinance, there shall be paid by the property owner to the city at the time of connection to the system a connection fee (without an easement credit) as required by subsection (g) for each connection, and an availability charge, the purpose of which is to defray in part the cost of providing transmission mains, booster pumping and distribution facilities, the sum of three hundred dollars (\$300.00) per lot; provided, however, that if in any subdivision development any lot is served by a connection directly to lines installed by the city, the availability charges as listed in Section 39-27(c)(2)a. will be paid by the property owner except, however, that where he or a previous owner of this property participated in the cost of such line, no availability charge shall be payable.

(i) Residential subdivisions of no more than one (1) dwelling unit per lot: Notwithstanding the conditions of Section 39-27(g) and 24-31(a) city council may, upon request and after having obtained appropriate commitments for development of streets, recreational facilities, and other issues related to providing for affordable housing in the city, enter into a special agreement with subdivision developers, whereas the city would reimburse the developer for 100% of the cost of installing waterlines within the subdivision boundaries provided that: the agreement provides for guarantees from the developer that 80% of the projected revenue from the annual water rates paid by customers connected to the installed waterline within the subdivision boundaries in the first ten years will pay the total cost of the reimbursed amount, within the following ten years. Guarantees may be in the form of liens placed on lots within the subdivision; cash payments; bonds; or other forms of securities satisfactory to the city attorney. Such guarantees shall remain in effect until the full amount of the security is paid. The director of public works shall review such records relating to the agreement to assure that the projected revenue from the development will recover the cost of the waterline reimbursement over a period of twenty years. The developer shall be responsible for providing all information necessary to assure compliance with the terms of the agreement. The city shall render a bill to the developer after the first 10 years that the agreement is in force for the difference of the amount of projected revenue from the customers connected to the waterlines at that time and the total amount of the reimbursement for the cost for the installation of the waterlines. If any covenants of the agreement are not satisfied, the city shall render a bill immediately relating to the remaining wateline costs.

(j) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city water lines at the time it was constructed, may make arrangements to pay the availability charges in

paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

- (1) Only an owner or occupant that actually connects their dwelling to the city's water system is eligible to enter into a water and sewer service availability fee installment agreement.
- (2) The availability and connection charges and interest must be paid in full within one year.
- (3) Interest at the rate of 5 percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.
- (4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.
- (5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.
- (6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.
- (7) If the owners or occupants failed to make payments in accordance with the water and sewer service availability fee installment agreement the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.
- (8) As provided in Section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the water line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupant of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings, or to commercial and institutional facilities. (Code 1959, § 32-16.4; Ord. of 6-14-77; Ord. of 8-8-78; Ord. of 5-22-79; Ord. No. O-81-153, § 2, 6-23-81; Ord. No. O-83-145, § 1, 6-28-83; Ord. No. O-89-280, § 1, 10-10-89, eff. 1-1-90; Ord. No. O-96-142, 5-28-96; Ord. No. O-00-017, 1-25-00; Ord. No. O-01-182, 9-25-01; Ord. No. O-02-186, 10-8-02, eff. 3-3-03; Ord. No. O-03-051, 3-11-03, eff. 1-1-04)

Sec. 39-27.1. Availability charges for city water service.

Those business firms which may be designated as "qualified business firm" pursuant to the provisions of Chapter 22, Title 59.1 of the Code of Virginia, 1950, as amended, (the Urban Enterprise Zone Act), shall be allowed to pay the availability charge imposed by Section 34-4(c)(2) as follows: Commencing with the second anniversary date of the submission of the city's registered bill in the amount of the availability charge, twenty-five per cent (25%) thereof will be due and annually thereafter on such anniversary date an additional twenty-five per cent (25%) will be due until the charge is paid in full. (Ord. No. O-84-170, § 1, 6-26-84, eff. 7-1-84)

Sec. 39-27.2. Waiver of availability charges for connection to the city water main in certain situations.

City council, upon request, may waive the availability charges required by Section 39-27(c)(2)a, of the city code under the following conditions:

- (a) Construction is for single-family homes only.
- (b) Construction is within a designated redevelopment or conservation area or rehabilitation district.

(c) Construction is for:

(1) An individual who agrees to occupy the home for a minimum of ten (10) years as his/her principle residence. If the home is sold or rented within that time, the availability fees would become due and payable; or

(2) A nonprofit corporation for resale to low-income persons with requirements for owner occupancy in the deed. (Ord. No. O-85-224, § 1, 9-10-85)

Sec. 39-27.3. Deferral of availability charges and connection fees to the city water system for certain persons.

For those owner-occupants of existing dwellings, who have an equity not exceeding thirty thousand dollars (\$30,000.00) therein and who meet the financial eligibility requirements of the medicaid program for Group III Virginia localities, charges and connection fees imposed by Section 39-27(c)(2) shall, upon request, be deferred until such time as title to the property passes by sale or inheritance. Such persons shall, prior to connection with the city water system, execute a petition, approved by the city attorney, granting to the city a lien in the amount of the fees and charges plus all interest which may accrue. When the charges are so deferred, they shall be subject to the payment of an annual simple interest charge of six per cent (6%) on the unpaid balance of such fees and charges. Provided that such persons shall have the right at any time to make payments, partial or in full, of the balance due for such connection. Passage of title to a spouse shall not constitute inheritance under this section. (Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-28. Connections outside city.

When any person owning property outside the city shall desire to have city water introduced into his premises, he shall contact the appropriate service authority having jurisdiction over his location. The service authority shall make application to the city to have said connection installed in accordance with existing contracts between the city and the authority. (Code 1959, § 32-17; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-29. Turning water on after connection made within city.

Whenever any individual, commercial or industrial establishment desires the use of water on premises owned or leased by them within the city limits, where all connections have been made in accordance with the provisions of this chapter, they shall make application therefor to the utilities customer service office, accompanying each application with a fee of fifteen dollars (\$15.00) for turning on and/or transferring the account. Multi-unit facilities will require the owner, landlord, or property management agent to make application to the billings and collections division-utility billing customer service office of the department of financial services to activate water at a service address. Whenever any person applying for water service shall have complied with this requirement and his water fixtures are in good condition, the utilities customer service office shall then cause the water to be turned on. (Code 1959, § 32-18; Ord. No. O-80-103, § 1(32-18), 4-22-80, eff. 8-22-80; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-92-071, 3-10-92; Ord. No. O-95-027, 2-14-95, eff. 7-1-95; Ord. No. O-03-111, 6-10-03)

Sec. 39-29.1. Deposit

A deposit shall be required of any individual, commercial or industrial establishment desiring the use of water on premises owned or leased by them within the city limits, where all connections and applications have been made in accordance with the provisions of this chapter, if such applicant is known to have a poor payment history. Poor payment history is defined as non-payment of city fees and taxes in a timely manner or excessive late fees on water and sewer accounts.

However, existing accounts will be required to pay the deposit only if the customer thereafter allows service to be severed for nonpayment and subsequently has service reinstated. The amount of the deposit is

the greater of the customer's average quarterly water and sewer bill or seventy-five dollars (\$75.00) for a residential meter, or for a commercial meter, which deposit is based on meter size—five-eighth (5/8) inch meter, seventy-five dollars (\$75.00); one (1) inch meter, one hundred forty-five dollars (\$145.00); one and one-fourth (1 1/4) inch meter, two hundred dollars (\$200.00); one and one-half (1 1/2) inch meter, two hundred fifty-five dollars (\$255.00); two (2) inch meter, three hundred ten dollars (\$310.00); three (3) and four (4) inch meter, five hundred seventy-five dollars (\$575.00); over four (4) inch meter, one thousand dollars (\$1,000.00)—to guarantee the payment of such account. The deposit shall be refunded, together with interest based upon the published rate in the daily Wall Street Journal for certificates of deposit having a maturity of one year, as of the date on which the city accrues interest for utility deposits, to each consumer who has maintained a satisfactory payment record for at least twelve (12) months. The deposit plus interest of any consumer not refunded will be credited against any final bill rendered to such consumer at the time service is discontinued. If at any time a satisfactory payment record is not maintained by any consumer from whom a deposit was not required, the director of finance may require that such deposit be made or, if at any time a consumer whose deposit has been refunded does not maintain a satisfactory payment record, the director of finance may again require such deposit. (Ord. No. O-95-027, 2-14-95, eff. 7-1-95)

Sec. 39-30. Repealed by Ord. No. O-87-265.

Sec. 39-31. Wrongful connections.

It shall be unlawful for any person to introduce water from the water distribution system into any premises, except as provided in this chapter.

A one hundred dollar (\$100.00) fee will be charged to the occupant or owner of any real estate using an unauthorized water meter connected to the City of Lynchburg water main for the purpose of obtaining water as provided in Section 39-29 and Section 39-29.1. (Code 1959, § 32-21; Ord. No. O-03-111, 6-10-03)

Sec. 39-32. Unauthorized addition or alteration of fixtures.

It shall be unlawful for any person to make any addition to, or alteration of, any fixtures on any premises, without the permission of the department of public works. (Code 1959, § 32-22)

Sec. 39-33. Cutting off or restoration of water service.

Whenever a customer requests the city to cut off or restore water service, a fee of thirty dollars (\$30.00) shall be charged for each call. (Ord. No. O-88-062, § 2, 3-22-88, eff. 7-1-88; Ord. No. O-91-053, 3-26-91, eff. 7-1-91)

Secs. 39-34—39-38. Reserved.

DIVISION 2. AUXILIARY SYSTEMS

Sec. 39-39. Connections generally.

All connections shall be made in compliance with all applicable federal, state and city laws and regulations. Cross-connections are prohibited within the city. (Code 1959, § 32-23)

Sec. 39-40. Connections for fire-fighting purposes.

Every fire service connection from the public mains where the secondary supply is of unapproved quality, shall be provided in compliance with all applicable state and city laws and regulations and installed as to permit ready inspection and shall be subject to the approval of the department of public works utilities division and fire department. Fire service connections shall also conform to the requirements of Section 19-40.2 (Subsection F 410.0) of the fire prevention code. (Code 1959, § 32-24; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-41. Separation of manufacturing or domestic systems from fire-fighting systems.

Private pipe systems from which water is used for manufacturing or domestic purposes are to be entirely independent of private pipe systems used for fire-fighting service. (Code 1959, § 32-25)

Secs. 39-42—39-52. Reserved.

ARTICLE III. WATER RATES AND RENTS**Sec. 39-53. Assessment and collection.**

The assessment and collection of the water rates and charges shall be under the direct charge of the office manager of the bureau of assessment and collection. (Code 1959, § 32-26)

Sec. 39-54.1. Schedule of water rates.

The monthly water rates for all consumers within the city shall be as follows:

0-30 h.c.f of water used	\$1.67 per h.c.f.
over 30 h.c.f. of water used	1.54 per h.c.f.

There shall be, in addition to any other charge, a monthly account charge of three dollars and sixty nine cents (\$3.69) per meter. (Ord. No. O-96-035, 2-13-96, eff. 7-1-96; Ord. No. O-97-038, 3-11-97, eff. 7-1-97; Ord. No. O-98-014, 2-10-98, eff. 7-1-98; Ord. No. O-99-041, eff. 7-1-99; Ord. No. O-00-045, 3-14-00, eff. 7-1-00; Ord. No. O-01-061, 3-27-01, eff. 7-1-01; Ord. No. O-02-045, 3-12-02, eff. 7-1-02; Ord. No. O-03-051, 3-11-03, eff. 7-1-03)

Sec. 39-54.1.2. Fire flow capacity charge.

The purpose of this charge is to recover the water system costs associated with providing fire protection and suppression capability from those customers with connections to the water system installed for the purpose of supplying water to on-site hydrants, standpipes, sprinkler systems or combinations thereof. The annual charges shall be as follows:

Hydrant or 8" or small fire line	\$207.60
10" fire line	372.72
12" fire line	591.36

(Ord. No. O-96-035, 2-13-96, eff. 7-1-96; Ord. No. O-97-038, 3-11-97, eff. 7-1-97; Ord. No. O-98-014, 2-10-98, eff. 7-1-98; Ord. No. O-99-041, 3-9-99, eff. 7-1-99; Ord. No. O-00-045, 3-14-00, eff. 7-1-00; Ord. No. O-01-061, 3-27-01, eff. 7-1-01; Ord. No. O-02-045, 3-12-02, eff. 7-1-02; Ord. No. O-03-051, 3-11-03, eff. 7-1-03)

Sec. 39-54.2. Multi-family or multi-unit accounts.

Where two (2) or more housing units or commercial units are served by one (1) master meter and one (1) billing account is established, the billing records will be established in the name of the owner, landlord, or property management agent. Existing billing accounts in tenants' names will be changed to the owner, landlord, or property management agent as problems occur and/or upon notification of an occupancy change.

A housing unit shall mean one (1) or more rooms which are intended for occupancy by a family [one (1) or more persons] and which generally includes therein provisions for food preparation. (Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88; Ord. No. O-03-111, 6-10-03)

Sec. 39-55. Separate service connection for each lot.

A separate connection shall be required for each subdivision lot upon which a building is constructed. Only one (1) sewer service connection will be required where multiple lots are used to construct a building. (Code 1959, § 32-28; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-56. Payment of flat rates; meters to be read, bills submitted, monthly or bimonthly.

In case of flat rates, water shall be paid for quarterly in advance. Where water is supplied through a meter, the meters shall be read and bills submitted therefor according to classification, monthly or bimonthly. (Code 1959, § 32-29)

Sec. 39-57. Reassessment upon repair of meter.

When any meter installed shall be out of order so as to prevent its use and the water has to be cut off so as to repair such meter, when the meter shall have been put in proper shape the reassessment for water shall be made at the average for the preceding three (3) months of consumption. (Code 1959, § 32-30)

Sec. 39-58. Rates for outside city.

The rates for water used outside the city shall be as provided in contracts between the city and the customers. (Code 1959, § 32-31)

Sec. 39-59. Correction of erroneous assessments.

The department of finance, utilities customer services office, may at any time, upon discovering an error in a computation of water rates and charges against any consumer, make the necessary correction in the computation. (Code 1959, § 32-33; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-60. When bills due.

Any charges for water furnished through meters for all customers shall be due and payable monthly on or before the due date shown on the bill. As provided in Chapter 21.2 of the City Code a five dollar (\$5.00) solid waste fee for the collection, management and disposal of solid waste will be charged to all single-family households and to multi-family complexes with up to four (4) units utilizing city solid waste services. This fee shall be added to the city's bill for water and sewer charges and shall be paid on the same schedule as the city's water and sewage charges, due and payable in the billings and collections division in the same manner prescribed for water and sewage charges as established by the city code and if not so paid, shall carry the same penalties and interest as prescribed in the city code. If the monies received in payment of the water and sewage charges and the solid waste collection, management and disposal fee are not sufficient to pay the outstanding balance in full, including any penalties and interest, the solid waste collection, management and disposal fee and any penalties or interest attributed thereto shall be considered to be paid first out of the monies collected. The billings and collections division will send a separate bill to those households and multi-family complexes which do not have water or sewer service. (Code 1959, § 32-34; Ord. of 5-31-77; Ord. No. O-80-103, § 1, (32-34), 4-22-80; Ord. No. O-03-113, 6-10-03, eff. 7-1-03)

Sec. 39-61. Place of payment.

It shall be the duty of all persons against whom water charges are assessed to pay such assessments at the collection division or any of its collecting agencies during their office hours on or before the due date shown on the bill. (Code 1959, § 32-34; Ord. of 5-31-77; Ord. No. O-80-103, § 1, (32-34), 4-22-80; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-62. Penalty for delinquency.

If any such water and sewerage bill is not paid within five (5) days after due date, it shall be declared delinquent and shall be subject to a penalty of five (5) percentum of the amount of the bill. The penalty

shall be added to the unpaid bill or subsequent bills. (Code 1959, § 32-34; Ord. of 5-31-77; Ord. No. O-80-103, § 1(32-34), 4-22-80; Ord. No. O-85-270, § 1, 10-22-85)

Sec. 39-63. Discontinuance of service, reconnection and meter removal fees.

(a) The water furnished through meters to any customer shall be discontinued, at the discretion of the director of finance or his authorized representative, whenever any bill therefor is not paid within thirty (30) days after due date and, if utilities division employees are dispatched to disconnect service, customers will be assessed a \$25.00 service charge to cover the extra costs incurred by the city. The customer shall be responsible for paying the \$25.00 service charge, the delinquent utility bill, the late payment penalty and applicable deposit, if any. Payment arrangements can be made on the \$25.00 service charge twice during the life of the account. The delinquent utility bill, the late payment penalty and the applicable deposit, if any, must be paid in full before service can be restored. Exceptions can be made, at the discretion of the director of finance or his authorized representative, for accounts that have had leaks, which can be validated by the city.

(b) If, after the service has been discontinued, an inspection of the meter reading on a subsequent date discloses, when compared to a record of the reading when service was initially discontinued, that service has been restored other than by utilities division employees without the authority of the customer service office, the water meter may then be removed to prevent further unauthorized use of water. Service may not be restored after the meter has been so removed until a sixty dollar (\$60.00) "meter removal fee" has been paid, in addition to any unpaid bill, a \$25.00 service charge and the appropriate deposit. (Code 1959, § 32-34; Ord. of 5-31-77; Ord. No. O-80-103, § 1(32-34), 4-22-80; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-95-027, 2-14-95, eff. 7-1-95; Ord. No. O-99-042, 3-9-99; Ord. No. O-00-249, 11-28-00)

Sec. 39-64. Special water sales.

(a) Hydrant rental and meter deposit. The sale of water through temporary connections to fire hydrants shall be permitted by the city for short periods of time [less than thirty (30) days] if it is deemed practical by the director of public works or his designee. The purpose of these sales shall be for use of contractors requiring large amounts of water for short periods of time and customers for filling swimming pools. Connections shall be made by the city through an auxiliary valve and portable meter. In no case shall private citizens or contractors operate city fire hydrants for this purpose.

Customers desiring said service shall apply to the utility customer services office at least five (5) working days prior to the need for this service and service shall be provided on basis of availability of auxiliary valves and portable meters.

A deposit of one hundred dollars (\$100.00) will be required at the time of application and will be refunded to the customer upon final settlement of charges for use of the temporary service; provided, that the auxiliary valve and portable meter are not damaged during service.

Charge for said service shall be thirty dollars (\$30.00) per day of use of the auxiliary valve and portable meter starting from the date installed and extending through date of requested removal. In addition, the water usage shall be metered and paid for at the regular city rates as described in Section 39-54(a) with a minimum charge of thirty dollars (\$30.00) per day for the period of usage.

(b) Tank load of water. Customers desiring water by the tank load can obtain water coupons at the city collector's office. The charge for each coupon shall be twenty-five dollars (\$25.00). The water coupons can be redeemed for water at the city's College Hill Filtration Plant located at 6th & Taylor Streets by contacting the water plant operator on duty at least twenty-four (24) hours in advance and arranging for filling of tanks at the College Hill Plant. Each coupon can be redeemed for one thousand (1,000) gallons of water, or a fraction thereof, and shall be based on the size of the tank provided by the customer. (Ord. No.

O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-86-054, § 1, 4-8-86, eff. 7-1-86; Ord. No. O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-95-206, 7-11-95, eff. 9-1-95)

Secs. 39-65—39-74. Reserved.

ARTICLE IV. FLUORIDATION

Sec. 39-75. Supervision of treatment.

The director of health shall have general supervision over treatment of the public water supply with an approved fluoride compound. (Code 1959, § 32-35)

Sec. 39-76. Introduction of fluoride into water system.

Upon receiving a permit from the state department of health and until further direction of the council, the department of public works shall provide the means and proceed with the introduction of fluoride ion into the city water supply in such quantities as are required to maintain throughout the pipe distribution system a fluoride ion concentration as prescribed by the state health department. (Code 1959, § 32-36)

Sec. 39-77. Records to be kept; determination of fluoride ion concentration.

The department of public works shall keep an accurate daily record showing for each supply the number of gallons treated and the fluoride ion concentration of the water before and after treatment. The department shall also determine the fluoride ion concentration in the water distribution system at such points and at such intervals as may be directed by the director of health. (Code 1959, § 32-37)

Sec. 39-78. Records to be furnished to department of health.

The department of public works shall furnish to the department of health copies of the records required under Section 39-77 at daily, weekly and monthly intervals as may be requested by the director of health. (Code 1959, § 32-38)

Sec. 39-79. Reports to council; surveys as to beneficial effects of program.

The director of health shall make periodic reports to council on the fluoridation of the public water supply and shall seek the cooperation of educational and scientific institutions to conduct surveys and research as to the beneficial effect, if any, of the fluoridation program and project on the citizens of the city. (Code 1959, § 32-39)

ARTICLE V. WATER EMERGENCIES

Sec. 39-90. Authority to declare water emergencies.

During the continued existence of climatic, hydrological and other extraordinary conditions the protection of the health, safety and welfare of the residents of the City of Lynchburg may require that certain uses of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail nonessential water use may be necessary.

The city manager, with the approval of the mayor, is authorized to declare a water emergency in the city restricting the use of water in any area of the city. All water stages are built upon and require compliance with previous water stages. For example when stage 3 is declared all provisions of stage 2 are in effect.

Also the city manager may declare any of the four stages, they do not have to be declared sequentially. (Ord. No. O-02-175, 9-24-02)

Sec. 39-91. Publication of declaration.

Upon the declaration of a water emergency, the city manager shall immediately post a written notice of the emergency at the front door of the city hall and shall place a notice in a newspaper of general circulation in the area in which such emergency has been declared. (Ord. No. O-02-175, 9-24-02)

Sec. 39-92. Water use considerations.

Upon the declaration of a water shortage or emergency, the city manager is authorized and directed to implement conservation measures by ordering the restricted use or absolute curtailment of the use of water for certain nonessential purposes for the duration of the water shortage or emergency in the manner hereinafter set out. In exercising this discretionary authority, and making the determinations set forth hereof, the city manager shall give due consideration to water levels, available/usable storage on hand, draw down rates and the projected supply capability in Pedlar reservoir and available James River flows; system purification and pumping capacity; daily water consumption and consumption projections of the system's customers; prevailing and forecast weather conditions; fire service requirements; pipeline conditions including breakages, stoppages and leaks; supplementary source data; estimates of minimum essential supplies to preserve public health and safety and such other data pertinent to the past, current and projected water demands. (Ord. No. O-02-175, 9-24-02)

Sec. 39-93. Limitation of restrictions.

The provisions of this article shall not apply to any governmental activity, institution, business or industry which shall be declared by the city manager, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the finding of the city manager may appeal that decision to the city council. (Ord. No. O-02-175, 9-24-02)

Sec. 39-94. Water conservation measures.

Upon a determination by the city manager of the existence of the following conditions, the city manager shall take the following actions that shall apply to any person whose water supply is furnished from the city water system:

(a) Stage 1: When moderate but limited supplies of water are available, the city manager shall, through appropriate means, call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by whatever methods available.

(b) Stage 2: When very limited supplies of water are available, the city manager shall order curtailment of less essential usages of water, including, but not limited to, one or more of the following:

(1) The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation, except indoor plantings, greenhouse or nursery stocks and except limited watering for new lawns and watering by commercial nurseries of freshly planted plants upon planting and once a week for five (5) weeks following planting. Athletic fields are also exempt but shall only be watered to match the evaporation-transpiration rate. In all cases where the above exceptions apply, the watering is not to occur between the hours of 8:00 a.m. and 8:00 p.m. Watering with buckets that have a capacity of five (5) or fewer gallons is permitted at any time.

(2) The washing of automobiles, trucks, trailers, boats, buses, airplanes, or any other type of mobile equipment, except in facilities operating with a water recycling system. The facility shall post a notice in public view that a recycling system is in operation. Exceptions are for vector trucks, refuse trucks, seepage

haulers and city buses. Other exceptions must be approved by the director of utilities or a designee and be demonstrated to be necessary for health and safety purposes.

(3) The washing of sidewalks, streets, driveways, parking lots, service stations aprons, office buildings, exteriors of homes or apartments, or other outdoor surfaces, unless the use is approved by the director of utilities for health and safety.

(4) The operation of any ornamental fountain or other structure making a similar use of water.

(5) The use of water from fire hydrants for any purpose other than fire suppression unless the use has been approved by the director of utilities.

(6) Water service lines from the meter box to the home or structure shall be maintained and have no visible leaks.

(7) Restaurants may serve water to customers only upon request.

(c) Stage 3: When critically limited supplies of water are available, the city manager shall institute a water surcharge on each residential and commercial customer as follows:

The maximum allowable water use at the prevailing city rate will be the average water billed in November through April of the previous year. The actual water use will be recorded for each month and the sum divided by the number of months. The result is the allowable water use in hcf. The result will be rounded down to the nearest whole hcf. This is the maximum amount of water use that will be allowed at the prevailing rate in hcf and is termed the base amount. Use of water over this amount is subject to a surcharge of twenty-five percent (25%) up to one hundred percent (100%). The surcharge is calculated by subtracting the base amount from the actual water use and the remaining hcf is multiplied by the prevailing water rate multiplied by as an example 1.25. The total water portion of the bill is the base amount times the prevailing rate, the amount in excess of the base amount at the surcharge rate plus other applicable fees. For accounts less than one year old the base amount is fixed at 11 hcf. Failure to pay the full amount of the bill, when due, can result in water service termination. A fifty dollar (\$50.00) charge will be collected prior to service reconnection.

(d) Stage 4: When crucially limited supplies of water are available, the city manager shall restrict the use of water to purposes which are absolutely essential to life, health and safety. (Ord. No. O-02-175, 9-24-02)

Sec. 39-95. Penalty and enforcement.

(a) Any person who violates any provision of this article shall be subject to the following civil penalties:

(1) For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the City of Lynchburg utilities division.

(2) For the second offense, violators shall be fined fifty dollars (\$50.00), the fine to be imposed on the violator's next water bill, or in the case of violators not on the city's public water system, in a written notice.

(3) For the third and each subsequent offense, violators shall be fined one hundred dollars (\$100.00) for each offense, the fine to be imposed on the violator's next water bill, or in the case of violators not on the city's public water system, in a written notice.

(4) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.

(5) The city manager may suspend water service to any person continuing to violate the provisions of this article or the regulations promulgated thereunder. If such water service is terminated, the person shall pay a reconnection fee of fifty dollars (\$50.00) before service is restored.

(b) Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the director of utilities within ten (10) days of the date of the assessment of the penalty. The director or his designee shall determine that the penalty was properly assessed and notify the complaining person in writing of his determination. Should the director or his designee determine that the penalty was properly assessed, the person may appeal that determination by providing written notice to the public works director within ten (10) days of receiving the notice determination. The public works director or his designee shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination.

(c) The director of utilities or his designee may waive the penalty if he determines that the violation occurred due to no fault of the person. (Ord. No. O-02-175, 9-24-02)

Sec. 39-96. Notification of end of water emergency.

The city manager shall notify the city council when, in his opinion, the water emergency situation no longer exists. Upon concurrence of the city council, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media. (Ord. No. O-02-175, 9-24-02)

ARTICLE VI. CROSS-CONNECTION AND BACKFLOW PREVENTION

Sec. 39-97. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

(a) Backflow: The reversal of the normal flow of water or other fluids, mixtures or substances through the distributing pipes of the water system because of an increase in the downstream pressure to a rate that is higher than the supply pressure.

(b) Backflow preventer: Equipment or measures that are designed to prevent backflow or back-siphonage, such as airgaps, reduced pressure principle devices, double check valve assemblies, pressure vacuum breakers and residential dual check valves.

(c) Back-siphonage: The reversal of the normal flow of water or other liquids, mixtures or substances through the distributing pipes of the water system because of negative pressure from a vacuum or partial vacuum in the pipes that supply water.

(d) Cross-connection: Any physical connection between a potable water supply and waste pipe, soil pipe, sewer drain or unapproved source or system, including any potable water supply outlet which is submerged or can be submerged in wastewater or any source of contamination.

(e) Director: The Director of Utilities or any person designated to act on the director's behalf.

(f) Owner: The owner, occupant or tenant of a building or structure.

(g) Plumbing fixtures: Receptacles, devices or appliances that are installed to supply, receive or discharge water or wastewater.

(h) Plumbing system: Water supply and distribution pipes, plumbing fixtures, traps, soil, waste and vent pipes, building drains, building sewers, water-treating and water-using equipment and connection devices and appurtenances that supply water to a building and that are located on the property where the building is located.

(i) Pollution: The presence of any foreign substance in water that tends to degrade its quality.

(j) Water, potable: Water that is free from impurities in amounts that are sufficient to cause disease or harmful physiological effects and that contains bacteriological and chemical qualities which conform to the requirements of the Department of Health's Virginia Waterworks Regulations and of the city.

(k) Water, nonpotable: Water that is not safe for human consumption or that is not potable. (Ord. No. O-03-112, 6-10-03, eff. 7-1-03)

Sec. 39-98. Requirements for backflow and cross-connection control.

Every building and structure shall be constructed, equipped and maintained to prevent the pollution of the city's water supply from cross-connection, backflow or back-siphonage of liquids. (Ord. No. O-03-112, 6-10-03, eff. 7-1-03)

Sec. 39-99. Cross-connection prohibited.

(a) The city's potable water supply system shall be designed, installed and maintained to prevent nonpotable liquids, solids or gases from being introduced into the potable water supply through cross-connections or any other pipe connections to the system.

(b) No person shall permit a cross-connection between the city's potable water supply system and other systems or equipment that contains water or other substances except when the director, or his/her designee, approves the cross-connection and the person has installed protective devices that have been approved by the director, or his/her designee. (Ord. No. O-03-112, 6-10-03, eff. 7-1-03)

Sec. 39-100. Measures to prevent backflow or back-siphonage.

The owner shall install and maintain a backflow preventer, approved by the director, or his/her designee, on all fixtures, equipment and outlets where backflow or back-siphonage may occur. The owner shall install and maintain a backflow preventer on the water service line when the director, or his/her designee, determines that a backflow preventer is necessary to protect the water supply from backflow or back-siphonage. (Ord. No. O-03-112, 6-10-03, eff. 7-1-03)

Sec. 39-101. Prevention devices to comply with rules and regulations.

All cross-connection or backflow prevention devices or systems shall be designed, installed and maintained in accordance with the following manuals: Cross-Connection Control Manual, U.S. Environmental Protection Agency, Office of Water Programs, Water Supply Division; the Virginia Uniform Statewide Building Code; article 3 of the Virginia Waterworks Regulations; and the City of Lynchburg Cross-Connection and Backflow Prevention Control Program. Copies of each manual shall be filed with the director of utilities, or his/her designee, and shall be made available to any owner who requests to see them. (Ord. No. O-03-112, 6-10-03, eff. 7-1-03)

Sec. 39-102. Responsibility of the director.

(a) The director, or his/her designee, shall inspect the plumbing system of every building or structure so as to determine that the plumbing system has been installed to prevent the possibility that the city's water supply will become polluted by cross-connection, backflow or back-siphonage.

(b) The director, or his/her designee, shall have the right to enter any building or structure during reasonable hours for the inspection of the plumbing system for cross-connection, backflow or back-siphonage. The owner shall furnish the director, or his/her designee, with all the information he requests regarding the plumbing system for the property. (Ord. No. O-03-112, 6-10-03, eff. 7-1-03)

Sec. 39-103. Violations.

(a) The director of utilities, or his/her designee, shall send a notice of violation by certified mail to the owner of any building or structure that is found to be in violation of this article. The director, or his/her

designee, shall establish a reasonable deadline in the notice of violation for the owner to correct the violation. If the owner fails to correct the violation before the expiration of the time given by the director, or his/her designee, the director, or his/her designee may terminate water service to the building or deny water service to the building.

(b) If a backflow prevention device is removed or bypassed, if a cross-connection exists or if the pressure in the water system is lowered below ten psi gauge, the director, or his/her designee, shall take whatever actions he finds necessary to ensure that the water system is safe from pollution. (Ord. No. O-03-112, 6-10-03, eff. 7-1-03)

Sec. 39-104. Penalty.

It shall be unlawful and a class 2 misdemeanor for any person to knowingly permit a violation of this article to remain uncorrected after the expiration of the time that the director, or his/her designee, provided for correcting the violation. Each day that the violation continues shall be a separate violation and shall be subject to the penalty provided by this section. (Ord. No. O-03-112, 6-10-03, eff. 7-1-03)

Sec. 39-105—39-115. Reserved.